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Attorneys for Cirrus Exploratory Sites, L.P.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CIRRUS EXPLORATORY SITES, L.P., a
Texas limited partnership,

Plaintiff,

v.

FIRST AMERICAN CORPORATION, a
California corporation, dba FIRST
AMERICAN TITLE INSURANCE
COMPANY; HORTON-SHIPNUCK
LIVING TRUST under agreement dated
July 18, 2000, a California trust, DAVID
E. SHIPNUCK, trustee, of the HORTON-
SHIPNUCK LIVING TRUST; LESLIE K.
SHIPNUCK, an individual; and Does 1
through 25, inclusive,

Defendants.

Civil Action No. CV 07-6459 PJH

**PROOF OF SERVICE RE
SUMMONS AND COMPLAINT**

Attorney or Party without Attorney: DOUGLAS W. STERN, Bar #82973 FULBRIGHT & JAWORSKI L.L.P. 555 SOUTH FLOWER STREET 41ST FLOOR LOS ANGELES, CA 90071 Telephone No: 213-892-9200 FAX No: 213-892-9494				For Court Use Only	
Attorney for: Plaintiff					
Insert name of Court, and Judicial District and Branch Court: U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: CIRRUS EXPLORATORY SITES, L.P., ETC. Defendant: FIRST AMERICAN CORPORATION, ETC., ET AL.					
PROOF OF SERVICE SUMMONS IN A CIVIL CASE		Hearing Date:	Time:	Dept/Div:	Case Number: CV076459 PJH

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS IN A CIVIL CASE; COMPLAINT; CIVIL COVER SHEET; ECF REGISTRATION INFORMATION HANDOUT ; NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION ; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES ; DROP BOX FILING PROCEDURES; CONTENTS OF JOINT CASE MANAGEMENT STATEMENT; ORDER REQUIRING JOINT CASE MANAGEMENT STATEMENT AND APPEARANCE AT CASE MANAGEMENT CONFERENCE; NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS; WAIVER OF SERVICE OF SUMMONS
3. a. Party served: DAVID E. SHIPNUCK, TRUSTEE, OF THE HORTON-SHIPNUCK LIVING TRUST
 b. Person served: PARTY IN ITEM 3A. SERVED UNDER F.R.C.P. RULE 4.
4. Address where the party was served: 82 MELWAY CIRCLE
 MONTEREY, CA 93940
5. I served the party:
 b. by substituted service. On: Fri., Jan. 11, 2008 at: 6:43PM by leaving the copies with or in the presence of:
 MRS. SHIPNUCK, WIFE.
 (1) (Business) a Person in charge at least 18 years of age apparently in charge of the office or usual place of business of the person served. I informed him or her of the general nature of the papers.
 (4) A declaration of mailing is attached.
7. Person Who Served Papers:
 a. JAZELLE RIVERA
- Recoverable Cost Per CCP 1033.5(a)(4)(B)
- d. The Fee for Service was:
- e. I am: (3) registered California process server



- (i) Independent Contractor
 (ii) Registration No.: 57
 (iii) County: Monterey

8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Wed, Jan. 16, 2008

Attorney or Party without Attorney: DOUGLAS W. STERN, Bar #82973 FULBRIGHT & JAWORSKI L.L.P. 555 SOUTH FLOWER STREET 41ST FLOOR LOS ANGELES, CA 90071 Telephone No: 213-892-9200 FAX No: 213-892-9494				For Court Use Only	
Attorney for: Plaintiff					
Insert name of Court, and Judicial District and Branch Court: U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: CIRRUS EXPLORATORY SITES, L.P., ETC. Defendant: FIRST AMERICAN CORPORATION, ETC., ET AL.					
PROOF OF SERVICE By Mail		Hearing Date:	Time:	Dept/Div:	Case Number: CV076459 PJH

1. I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
2. I served copies of the SUMMONS IN A CIVIL CASE; COMPLAINT; CIVIL COVER SHEET; ECF REGISTRATION INFORMATION HANDOUT ; NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION ; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES ; DROP BOX FILING PROCEDURES; CONTENTS OF JOINT CASE MANAGEMENT STATEMENT; ORDER REQUIRING JOINT CASE MANAGEMENT STATEMENT AND APPEARANCE AT CASE MANAGEMENT CONFERENCE; NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS; WAIVER OF SERVICE OF SUMMONS
3. By placing a true copy of each document in the United States mail, in a sealed envelope by **First Class** mail with postage prepaid as follows:
 - a. Date of Mailing: Wed., Jan. 16, 2008
 - b. Place of Mailing: LOS ANGELES, CA 90026
 - c. Addressed as follows: DAVID E. SHIPNUCK, TRUSTEE, OF THE HORTON-SHIPNUCK LIVING TRUST
82 MELWAY CIRCLE
MONTEREY, CA 93940
4. I am readily familiar with the business practice for collection and processing of correspondence as deposited with the U.S. Postal Service on Wed., Jan. 16, 2008 in the ordinary course of business.
5. *Person Serving:*
 - a. Thomas Tilcock
 - b. FIRST LEGAL SUPPORT SERVICES
1511 W. BEVERLY BLVD
LOS ANGELES, CA 90026
 - c. 213-250-9111
 - d. **The Fee** for Service was:
 - e. I am: Not a Registered California Process Server

Recoverable Cost Per CCP 1033.5(a)(4)(B)

8. *I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.*

Date: Wed, Jan. 16, 2008



Attorney or Party without Attorney: DOUGLAS W. STERN, Bar #82973 FULBRIGHT & JAWORSKI L.L.P. 555 SOUTH FLOWER STREET 41ST FLOOR LOS ANGELES, CA 90071 Telephone No: 213-892-9200 FAX: No: 213-892-9494				For Court Use Only	
Ref. No or File No.:					
Insert name of Court, and Judicial District and Branch Court: U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: CIRRUS EXPLORATORY SITES, L.P., ETC. Defendant: FIRST AMERICAN CORPORATION, ETC., ET AL.					
AFFIDAVIT OF REASONABLE DILIGENCE		Hearing Date:	Time:	Dept/Div:	Case Number: CV076459 PJH

1. I, JAZELLE RIVERA, and any employee or independent contractors retained by FIRST LEGAL SUPPORT SERVICES are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant DAVID E. SHIPNUCK, TRUSTEE, OF THE HORTON-SHIPNUCK LIVING TRUST as follows:

2. **Documents:** Summons In A Civil Case; Complaint; Civil Cover Sheet; Ecf Registration Information Handout ; Notice Of Availability Of Magistrate Judge To Exercise Jurisdiction ; Order Setting Initial Case Management Conference And Adr Deadlines ; Drop Box Filing Procedures; Contents Of Joint Case Management Statement; Order Requiring Joint Case Management Statement And Appearance At Case Management Conference; Notice Of Lawsuit And Request For Waiver Of Service Of Summons; Waiver Of Service Of Summons.

Day	Date	Time	Location	Results
Sun	01/06/08	4:26pm	Business	THE SUBJECT IS NOT IN PER FEMALE, HE IS OUT OF THE COUNTRY FOR 3 WEEKS. Attempt made by: JAZELLE RIVERA. Attempt at: 82 MELWAY CIRCLE MONTEREY CA 93940.
Tue	01/08/08	6:56pm	Business	NO ANSWER AT THE DOOR. Attempt made by: JAZELLE RIVERA. Attempt at: 82 MELWAY CIRCLE MONTEREY CA 93940.
Fri	01/11/08	6:43pm	Business	Substituted Service on: DAVID E. SHIPNUCK, TRUSTEE, OF THE HORTON-SHIPNUCK LIVING TRUST Business - 82 MELWAY CIRCLE MONTEREY, CA. 93940 by Serving: PARTY IN ITEM 3A. a Person in charge at least 18 years of age apparently in charge of the office or usual place of business of the person served by leaving a copy of the document(s) with: MRS. SHIPNUCK, WIFE.. Served by: JAZELLE RIVERA
Wed	01/16/08			Mailed copy of Documents to: DAVID E. SHIPNUCK, TRUSTEE, OF THE HORTON-SHIPNUCK LIVING TRUST

3. *Person Executing*

a. JAZELLE RIVERA
 b. **FIRST LEGAL SUPPORT SERVICES**
 1138 HOWARD STREET
 SAN FRANCISCO, CA 94103
 c. 415-626-3111

Recoverable Costs Per CCP 1033.5(a)(4)(B)

d.. *The Fee for service was:*

e. *I am:* (3) registered California process server
 (i) Independent Contractor
 (ii) Registration No.: 57
 (iii) County: Monterey

4. *I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.*

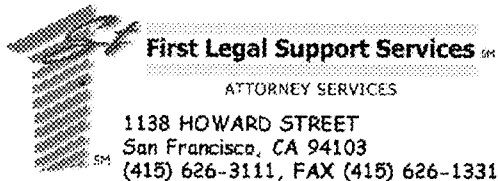
Date: Wed, Jan. 16, 2008

AFFIDAVIT OF REASONABLE DILIGENCE

(JAZELLE RIVERA)

Attorney or Party without Attorney: DOUGLAS W. STERN, Bar #82973 FULBRIGHT & JAWORSKI L.L.P. 555 SOUTH FLOWER STREET 41ST FLOOR LOS ANGELES, CA 90071 Telephone No: 213-892-9200 FAX No: 213-892-9494				For Court Use Only	
Attorney for: Plaintiff					
Insert name of Court, and Judicial District and Branch Court: U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: CIRRUS EXPLORATORY SITES, L.P., ETC. Defendant: FIRST AMERICAN CORPORATION, ETC., ET AL.					
PROOF OF SERVICE SUMMONS IN A CIVIL CASE		Hearing Date:	Time:	Dept/Div:	Case Number: CV076459 PJH

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS IN A CIVIL CASE; COMPLAINT; CIVIL COVER SHEET; ECF REGISTRATION INFORMATION HANDOUT ; NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION ; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES ; PLAINTIFF CIRRUS EXPLORATORY SITES, L.P.'S CERTIFICATION OF INTERESTED ENTITIES OR PERSONS
3. a. Party served: LESLIE K. SHIPNUCK, AN INDIVIDUAL
 b. Person served: PARTY IN ITEM 3A. SERVED UNDER F.R.C.P. RULE 4.
4. Address where the party was served: 2071 EMERSON STREET
 BERKELEY, CA 94703
5. I served the party:
 b. by substituted service. On: Wed., Jan. 09, 2008 at: 12:55PM by leaving the copies with or in the presence of:
 "JANE DOE" TENANT. DESCRIPTION; WHITE FEMALE, 5'7", 145 LBS,
 BLACK HAIR, BROWN EYES, IN HER FORTYS.
 (2) (Home) Competent Member of the Household over 18. I informed him or her of the general nature of the papers.
 (4) A declaration of mailing is attached.
7. Person Who Served Papers: Recoverable Cost Per CCP 1033.5(a)(4)(B)
 a. RAIMUNDO CARVALHO
 d. The Fee for Service was:
 e. I am: (3) registered California process server
 (i) Employee
 (ii) Registration No.: 2005-0000968-00
 (iii) County: San Francisco



8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Thu, Jan. 10, 2008

Attorney or Party without Attorney: DOUGLAS W. STERN, Bar #82973 FULBRIGHT & JAWORSKI L.L.P. 555 SOUTH FLOWER STREET 41ST FLOOR LOS ANGELES, CA 90071 Telephone No: 213-892-9200 FAX No: 213-892-9494				For Court Use Only	
Attorney for: Plaintiff					
Insert name of Court, and Judicial District and Branch Court: U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: CIRRUS EXPLORATORY SITES, L.P., ETC. Defendant: FIRST AMERICAN CORPORATION, ETC., ET AL.					
PROOF OF SERVICE By Mail		Hearing Date:	Time:	Dept/Div:	Case Number: CV076459 PJH

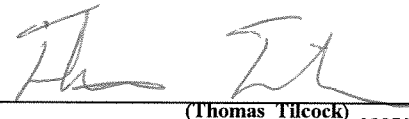
- I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
- I served copies of the SUMMONS IN A CIVIL CASE; COMPLAINT; CIVIL COVER SHEET; ECF REGISTRATION INFORMATION HANDOUT ; NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION ; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES ; PLAINTIFF CIRRUS EXPLORATORY SITES, L.P.'S CERTIFICATION OF INTERESTED ENTITIES OR PERSONS
- By placing a true copy of each document in the United States mail, in a sealed envelope by **First Class** mail with postage prepaid as follows:
 - Date of Mailing: Thu., Jan. 10, 2008
 - Place of Mailing: LOS ANGELES, CA 90026
 - Addressed as follows: LESLIE K. SHIPNUCK, AN INDIVIDUAL
2071 EMERSON STREET
BERKELEY, CA 94703
- I am readily familiar with the business practice for collection and processing of correspondence as deposited with the U.S. Postal Service on Thu., Jan. 10, 2008 in the ordinary course of business.
- Person Serving:
 - Thomas Tilcock
 - FIRST LEGAL SUPPORT SERVICES
1511 W. BEVERLY BLVD
LOS ANGELES, CA 90026
 - 213-250-9111

Recoverable Cost Per CCP 1033.5(a)(4)(B)

- The Fee for Service** was:
- I am: Not a Registered California Process Server

8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Thu, Jan. 10, 2008


(Thomas Tilcock)

Attorney or Party without Attorney: DOUGLAS W. STERN, Bar #82973 FULBRIGHT & JAWORSKI L.L.P. 555 SOUTH FLOWER STREET 41ST FLOOR LOS ANGELES, CA 90071		For Court Use Only	
Telephone No: 213-892-9200 FAX: No: 213-892-9494		Ref. No or File No.:	
Insert name of Court, and Judicial District and Branch Court: U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA			
Plaintiff: CIRRUS EXPLORATORY SITES, L.P., ETC.			
Defendant: FIRST AMERICAN CORPORATION, ETC., ET AL.			
AFFIDAVIT OF REASONABLE DILIGENCE		Hearing Date:	Time:
		Dept/Div:	Case Number: CV076459 PJH

1. I, RAIMUNDO CARVALHO, and any employee or independent contractors retained by FIRST LEGAL SUPPORT SERVICES are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant LESLIE K. SHIPNUCK, AN INDIVIDUAL as follows:

2. **Documents:** Summons In A Civil Case; Complaint; Civil Cover Sheet; Ecf Registration Information Handout ; Notice Of Availability Of Magistrate Judge To Exercise Jurisdiction ; Order Setting Initial Case Management Conference And Adr Deadlines ; Plaintiff Cirrus Exploratory Sites, L.P.'s Certification Of Interested Entities Or Persons.

Day	Date	Time	Location	Results
Sat	01/05/08	10:00am	Home	THIS IS A RESIDENCE ADDRESS, NO CARS AROUND, ALL THE BLINDS ARE CLOSED, IT'S DARK INSIDE. Attempt made by: RAIMUNDO CARVALHO. Attempt at: 2071 EMERSON STREET BERKELEY CA 94703.
Sun	01/06/08	4:15pm	Home	NO ANSWER AGAIN, EVERYTHING IS THE SAME. Attempt made by: RAIMUNDO CARVALHO. Attempt at: 2071 EMERSON STREET BERKELEY CA 94703.
Mon	01/07/08	8:55am	Home	NO ANSWER AGAIN, EVERYTHING IS THE SAME. Attempt made by: RAIMUNDO CARVALHO. Attempt at: 2071 EMERSON STREET BERKELEY CA 94703.
Tue	01/08/08	9:00pm	Home	NO ANSWER STILL UNABLE TO VERIFY THE ADDRESS. Attempt made by: RAIMUNDO CARVALHO. Attempt at: 2071 EMERSON STREET BERKELEY CA 94703.
Wed	01/09/08	12:55pm	Home	Substituted Service on: LESLIE K. SHIPNUCK, AN INDIVIDUAL Home - 2071 EMERSON STREET BERKELEY, CA. 94703 by Serving: PARTY IN ITEM 3A. SERVED UNDER F.R.C.P. RULE 4. Competent Member of the Household over 18 by leaving a copy of the document(s) with: "JANE DOE" TENANT. DESCRIPTION; WHITE FEMALE, 5'7", 145 LBS, BLACK HAIR, BROWN EYES, IN HER FORTYS.. Served by: RAIMUNDO CARVALHO

Thu 01/10/08

Mailed copy of Documents to: LESLIE K. SHIPNUCK, AN INDIVIDUAL

Recoverable Costs Per CCP 1033.5(a)(4)(B)

3. *Person Executing*

a. RAIMUNDO CARVALHO
b. **FIRST LEGAL SUPPORT SERVICES**
1138 HOWARD ST
SAN FRANCISCO, CA 94103
c. 415-626-3111

d.. **The Fee for service was:**

e. I am: (3) registered California process server
(i) Employee
(ii) Registration No.: 2005-0000968-00
(iii) County: San Francisco

4. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

† Date: Thu, Jan. 10, 2008

AFFIDAVIT OF REASONABLE DILIGENCE

(RAIMUNDO CARVALHO)